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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,250	10/15/2003	Robert A. Pangrcic	PP-02	7623

7590 10/11/2006

Jordan A. Newmark
55 East Monroe Street,
Suite 4200
Chicago,, IL 60603-5803

EXAMINER	
GRILES, BETHANY L	

ART UNIT	PAPER NUMBER
3643	

DATE MAILED: 10/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/686,250	PANGRCIC, ROBERT A.	
	Examiner	Art Unit	
	Bethany L. Griles	3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 July 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,9-11,13-17 and 19-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4, 9-11, 13-17, 19-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 9-11, 13, 17, and 19-22 are rejected under 35 U.S.C. 102(b) as being anticipated by McCauley US4118807.

Regarding claims 1, 10, 13, and 20 McCauley discloses a handle 12 and a body 14, 16 wherein the body 16 is a tube having a first end 20 and an opposing second end 26, the first end defining an opening that enables a fish to enter the tube and to be removed from the tube (col 2, lines 30-32), the second end including an end wall 26 constructed to prevent the fish from exiting or being removed from the second end of the tube, wherein the handle 12 is non-rotatably connected to the body along an outer surface of the body (see adjacent element 10 in Figure 1), and (col 2, line 45 discloses that the handle is attached via injection molding, therefore formed together in one mold, which inherently means that the handle 12 and the rim 20 are a unitary piece and non-rotatably connected).

Regarding claims 2, 11, and 19 McCauley discloses the second end 26 has at least one opening 28 through which water flows (col 2, line 58).

Regarding claim 3, McCauley discloses the body 14, 16 is made of plastic (col 2, line 36).

Regarding claim 9, McCauley discloses a handle portion 12. The handle portion is a looped wire. Inherently, a handle would have non-slip features, as it is the purpose of a handle to be held in the hand. Further, the hole in the center of the handle could be defined as a non-slip feature, as a user could loop a finger through the opening to prevent slippage.

Regarding claim 17, McCauley discloses the body 16 is a tube.

Regarding claim 21, McCauley discloses the body defines at least one additional opening 44.

Regarding claim 22, McCauley discloses the body 16 is cylindrical.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCauley US4118807.

Regarding claims 14 and 16, McCauley substantially discloses the device as claimed.

McCauley is silent as to whether the body and handle are semi-rigid.

It would have been obvious at the time the invention was made to make the body and handle of the McCauley device semi-rigid in order to make it sturdy enough to endure repeated use, but flexible enough to avoid shattering or bending if it struck the bottom of a bait container or some other obstruction.

Claims 4, 7, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCauley US4118807 in view of Brundage et al. US5442875.

Regarding claims 4, 7, 15, McCauley discloses the device is made of plastic (col 2, line 36)

McCauley is silent as to whether the plastic is opaque, although he does state that it can be injection molded plastic, and preferably polyethelene plastic fiberglass (col 2, line 37-39).

Brundage et al. disclose in their specification that commonly used materials in dip nets are opaque, including the rim, handle, and hardware (col 1, lines 23-45).

It would have been obvious to one of ordinary skill in the art at the time the invention was made, as it is notoriously well known in the art as evidenced by Brundage et al.'s reference to using opaque materials, to make the device of opaque plastic. Applicant affords no criticality to the use of opaque plastic material in the immediate Specification.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bethany L. Griles whose telephone number is 571.272.6888. The examiner can normally be reached on Tuesday 5.30am-11.30am and Thursday 5.30am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 571.272.6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Bethany L. Griles
Examiner
Art Unit 3643

blg

Peter M. Poon
Supervisory Patent Examiner